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U. S. Department of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE  
Agricultural Adjustment Administration

1940 RANGE CONSERVATION PROGRAM  
NORTH CENTRAL REGION

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THE RANGE CONSERVATION PROGRAM OF 1940 IN THE  
NORTH CENTRAL REGION

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Pursuant to the provisions of the 1940 Range Conservation Program Bulletin, approved by the Secretary of Agriculture under date of September 28, 1939, and the authority vested thereby in the Agricultural Adjustment Administration, payments will be made for participation in the North Central Region under the 1940 Range Conservation Program in accordance with the provisions of the North Central Region Bulletin 451 (NCR-451) and such modifications thereof or other provisions as may hereafter be made. This North Central Region Bulletin includes all of the provisions of said 1940 Range Conservation Program Bulletin which are applicable to the North Central Region, together with certain of the determinations authorized therein to be made by the Agricultural Adjustment Administration or the Director of the North Central Division.

The fundamental purposes of the Agricultural Conservation Program of 1940, including the Range Conservation Program, are: (1) to conserve and improve the soil resources of the nation; (2) to stabilize and maintain adequate food supplies for consumers; and (3) to help farmers secure their fair share of the national income.

The range program provides for payments to ranchers to help them pay at least part of the cost of carrying out these purposes by adopting range-building practices.

The program is authorized by the Soil Conservation and Domestic Allotment Act, as amended. The provisions of the program are subject to such laws affecting the program as Congress may enact and are dependent upon funds being appropriated by Congress. The amounts of the payments will be within the limits determined by those funds, by distribution of the funds according to the act, and the extent of participation in the program. As an adjustment for participation the rates of payment may be increased or decreased by as much as ten percent.

The provisions of the 1940 Range Conservation Program in the North Central Region contained in this bulletin apply to range land in the State of Nebraska except land owned by the United States Government.

SECTION 1. DEFINITIONS.

(1) NORTH CENTRAL REGION means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(2) STATE COMMITTEE means the group of persons designated within any State to assist in the administration of the agricultural conservation programs and the range conservation programs in such State.

(3) COUNTY COMMITTEE means the group of persons elected within any county to assist in the administration of the agricultural conservation programs and the range conservation programs in such county.

(4) PERSON means an individual, partnership, association, corporation, estate, or trust, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

(5) RANGE-BUILDING PAYMENT means a payment for the carrying-out of one or more approved range-building practices.

(6) RANGE-BUILDING ALLOWANCE means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

(7) RANCH OPERATOR means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of, a ranching unit in 1940.

(8) RANGE LAND means any land in which a ranch operator has a controlling interest and which produces forage grazed by range livestock, without cultivation or general irrigation. Range land does not include land owned by the United States Government.

(9) RANCHING UNIT means all range land which is used in 1940 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that of any other range land and which is customarily regarded in the community as a ranching unit. Less than 640 acres of range land will not be regarded as a ranching unit. A ranching unit will be regarded as located in the county in which its ranch headquarters is situated or, if no headquarters is on the land, it will be regarded as located in the county in which the major portion of the ranching unit is located.

(10) ANIMAL UNIT means the unit of measurement used to denote grazing capacity. An animal unit as used herein shall be equal to one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

(11) GRAZING CAPACITY OF RANGE LAND means the number of animal units which such land will sustain on a 12-month basis over a period of years without decreasing the stand of grass or other grazing vegetation and without injury to the forage, tree growth, or watershed.

## SECTION 2. RANGE-BUILDING PRACTICES AND PAYMENTS.

Within the limits of the range-building allowance, payment will be made for carrying out on range land between November 1, 1939, and October 1, 1940, any of the following range-building

practices which the county committee finds are needed on the ranch in order to promote conservation and good range management and approves for the ranching unit prior to the time the practices are started. The range inspector will assist the ranch operator in determining range-building practices best adapted to the accomplishment of good range management on the ranching unit and in locating the areas or sites upon which designated range-building practices are to be carried out in 1940. The range inspector should explain thoroughly to the ranch operator the specifications that are required for each practice selected for the ranching unit to qualify for payment under the 1940 Range Conservation Program.

Practices and Conditions of Payment	Rate of Payment
<b>RESEEDING OF RANGE LAND</b>	
(1) <u>Natural reseeding by deferred grazing:</u> For withholding 25 percent of the range land in the ranching unit from grazing for the period May 15, 1940, to October 1, 1940, provided (a) if grazing is deferred on less than 25 percent of the range land in the ranching unit, a proportionate payment will be made; (b) the area to be kept free from grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (c) the remaining range land in the ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed; (d) such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing during the grazing season; and (e) the ranch operator has submitted to the county committee in writing the designation of the nongrazing area of the ranching unit before starting the practice.	40 percent of the range building allowance.

This practice will not be approved unless the area to be deferred is entirely enclosed with a fence. All livestock must be kept off the deferred areas from May 15 to October 1. If any hay is cut within the boundaries of the deferred area there will be deducted from the deferred area all the land in each 40-acre tract (measured by legal description) on which any hay is cut. No area will be approved for deferred grazing unless it has been established to the satisfaction of the county committee that the area is normal summer range. Areas included

Practices and Conditions of Payment	Rate of Payment
within the same fence boundary with cropland can not be considered as normal summer range. An area deferred in 1939 will not be approved for deferred grazing in 1940 unless it is evident that nongrazing a second year on the area would be of material benefit to the range and there is no other range in the ranching unit which would benefit as greatly by deferred grazing.	
(2) <u>Reseeding by limited grazing:</u> For limiting the number of livestock on the grazed portion of the ranching unit during the 1940 grazing season to the extent that at least 25 percent of the grass maturing seed remains at the end of the grazing season provided that check plots not less than one rod square are constructed by June 1, 1940, in such a manner as will prevent the entry of all livestock. At least two plots per ranching unit must be constructed, with a minimum requirement of one plot for each thousand acres in the ranching unit.	35 percent of the range-building allowance provided that grazing is deferred on 25 percent of the range land in the ranching unit under practice (1). If grazing is deferred on less than 25 percent of the range land in the ranching unit under practice (1) a proportionate payment will be made.
This practice will not be approved on any ranching unit upon which the county committee and range inspector deem it possible and practical to earn the range-building allowance by one or more of the regular practices outlined in this bulletin.	
(3) <u>Artificial reseeding:</u> For reseeding depleted range land with good seed of adapted varieties of range grasses.	20 cents per pound of seed sown, but not in excess of \$2.00 per acre.
This practice may be approved for any range land on which the stand grass has been seriously depleted. The operator must file with the county committee written evidence of the kind and amount of seed sown and date and method of seeding.	
<b>EROSION AND RUNOFF CONTROLL</b>	
(4) <u>Contour listing, furrowing, or sub-soiling:</u> For listing, furrowing, or sub-soiling range land on the contour.	2 cents per 100 linear feet.
This practice will not be approved on light sandy soils or on areas where the average slope is in excess of 8 percent. The furrows must be constructed on the contour level and be broken or dammed at sufficient intervals to prevent water from accumulating in such quantities as would cause gullying. The maximum	

Practices and Conditions of Payment	Rate of Payment
distance between furrows will be 25 feet with the proportionately closer together as the degree of slope increases.	
(5) <u>Spreader dams and terraces:</u> For constructing spreader dams and spreader terraces alone or in combination with each other for the diversion of surface water to prevent soil washing of range land.	
(a) <u>Spreader Dams:</u>	15 cents per cubic yard of material moved.
This practice will be approved when constructed in the channel of small watersheds near enough to the head of the watershed and with a sufficient number of structures so as to prevent accumulation of water in the stream channel to the extent that structures would be in danger of washing out during heavy rainfall.	
(b) <u>Spreader Terraces:</u>	50 cents per 100 linear feet
This practice will be approved when constructed at points on a water channel or in conjunction with spreader dams where sufficient water will accumulate for diversion upon adjoining range land. The terrace grade should not be greater than 4 or 5 inches per hundred feet of length. The terrace ditch should have ample capacity to carry the diverted water and an adequate outlet should be provided at the discharge end. Payment will not be made for less than 100 linear feet of terrace or for a terrace which has an average cross section measurement of less than 5 square feet.	
DEVELOPMENT OF STOCK WATER ON RANGE LAND	
(6) <u>Earthen tanks or reservoirs:</u> For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock.	15 cents per cubic yard of material moved not in excess of 5,000 cubic yard and 10 cents per cubic yard of material moved in excess of 5,000 cubic yard for each tank or reservoir.
Dams will not be approved on running streams. The repair of broken dams constructed under previous range programs will not be approved for payment in 1940. However, it may be required that such dams be repaired if approval is to be given for	

Practices and Conditions of Payment	Rate of Payment
additional structures in 1940. Dams must be constructed with minimum slopes of 3 to 1 on the upstream side and 2 to 1 on the downstream side, and must have a crown width of 1 foot for every foot in height of fill not exceeding 10 feet. Dams 10 feet or less in height must have a minimum freeboard of three feet. Dams over 10 feet in height must have a minimum freeboard of four feet. Spillways must be of sufficient width to carry the overflow expected of the drainage area.	
(7) <u>Wells:</u> (Payment will not be made for a well developed at any ranch headquarters.)	
(a) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir.	\$2.00 per linear foot.
(b) For drilling or digging wells with casing less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. An artesian well with casing less than 4 inches in diameter will qualify for payments, provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough.	\$1.00 per linear foot.
Any well developed for payment in 1940 must supply adequate water for the number of livestock using the adjoining range and must be in operation at the time of final inspection. Approval will not be given for repairing or improving an existing well. However, it may be required that such wells be repaired if approval is to be given for additional structures in 1940. All applications respecting wells must be initialed by the field representative of the State committee before approval is mailed to the operator.	

Practices and Conditions of Payment	Rate of Payment
<p>The operator must furnish the county committee proof of construction in the form of a well driller's statement showing the depth of the well and dimensions of material used in its construction. Approval will not be given for developing a well at any ranch headquarters.</p>	
<p>(8) <u>Development of natural watering places:</u> For developing springs or seeps for the purpose of providing water for range livestock, provided the source is protected from trampling, and at least 20 cubic feet of available water storage is provided, and provided further that the total cost of development is not less than \$20.00</p>	
<p>This practice will be approved on sites where the water source can be developed and the water conveyed from the source to a storage tank or on sites where the source itself is developed in such a manner as to be a permanent water supply. The source must be developed in such a manner as to prevent trampling by livestock.</p>	
<p>The source of all springs or seeps will be boxed in with either masonry, concrete, rock, or sound timbers of at least 2 inches in thickness and be of a permanent nature.</p>	
<p>PLANTING AND MAINTAINING A STAND OF TREES</p>	
<p>(9) <u>Tree Planting:</u> Planting trees on range land if the \$7.50 per acre. number, kind, age, and methods of planting and growing are approved as provided below and the acreage planted is fenced and the fence maintained sufficiently to prevent entry of livestock.</p>	
<p>This practice will be approved for use only on land which qualifies under the definition of range land. The plantings should be of trees adapted to the area and planted and cultivated in accordance with good tree cultural practice for the area. The planting of cuttings will not be accepted as a good tree cultural practice. The plantings should be made at the rate of at least 300 trees per acre and the area planted to trees must be entirely enclosed with a fence and the fence maintained sufficiently to prevent entry of livestock. This practice will not be approved unless the area on which it is to be carried out is one acre or more.</p>	

Practices and Conditions of Payment	Ratio of Payment
<p>(10) <u>Cultivating and maintaining a stand of trees:</u></p> <p>Cultivating, protecting, and maintaining by replanting if necessary, a full stand of at least 200 trees per acre of windbreak or shelter-belt plantings planted on range land between July 1, 1936, and July 1, 1940.</p> <p>In order for this practice to qualify for payment there must be at least 200 living trees per acre at the time of final inspection. This practice will not be approved unless the area on which it is to be carried out is one acre or more.</p>	\$3.00 per acre.

#### SECTION 3. RANGE-BUILDING ALLOWANCE

The range-building allowance will be 2 cents per acre of range land in the ranching unit plus \$1.00 times the grazing capacity of the range land, provided, however, that the range-building allowance will not be less than \$64.00 for any ranching unit.

#### SECTION 4. CONDITIONS OF PAYMENT

(a) Promotion of conservation and good range management. Payments for carrying out range-building practices are conditioned upon the adoption or maintenance of conservative range management practices designed to secure or maintain a good stand of grass or other palatable forage plants and in bringing about such use of the forage resources of the ranch as will most effectively carry out the purposes of the agricultural conservation program. Payments under the 1940 Range Program will be made only for those ranching units on which the county committee certifies that such range management practices have been followed.

(b) Payments limited to range-building allowance. The range-building payment for any ranching unit will not exceed the range-building allowance for the ranching unit. Payments made for carrying out range-building practices will not be subject to the deduction provisions of NCR-401.

(c) State or Federal Aid. No payment will be made for practices carried out with labor, seed, trees, and materials furnished by any State or Federal agency other than the Agricultural Adjustment Administration and representing one-half or more of the total cost of

carrying out the practice. If any State or Federal agency other than the Agricultural Adjustment Administration furnishes a portion of the labor, seed, trees, or other material representing less than one-half of the total cost of carrying out a practice, payment will be made for the practice at one-half the rate specified for the practice. Labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof, by an agency of the same State will not be deemed to have been furnished by "any State.....agency." No payment will be made for planting and protecting forest trees planted under a cooperative agreement with the Forest Service under the Prairie States Forestry Project.

Trees purchased from a Clark-McNary Cooperative State Nursery will not be deemed to be paid for in whole or in part by a State or Federal agency.

#### SECTION 5. CHANGES IN LEASING ARRANGEMENTS AND OTHER DEVICES

No payment will be made to any person who has for 1940 made any change from the 1939 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to him any payment to which any lessee would be entitled if the 1939 leasing arrangements were in effect for 1940. If the State committee finds that any person who files an application for a payment under the 1940 Range Conservation Program has made any change from the 1939 leasing arrangements or has employed any other scheme or device for the purpose of, or which would have the effect of, depriving any other person of any payment to which he otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would have been made to such person for performance in connection with the 1940 Range Conservation Program.

#### SECTION 6. ELIGIBILITY FOR PAYMENT.

(a) Persons eligible to file application. Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, engaged in the operation of a single ranching unit, provided they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee will determine the percentage share to be paid to each ranch operator applying for payment.

(b) Time and manner of filing application and information required. Payments will be made only upon applications submitted through the county office on or before March 31, 1941. The Secretary may withhold a range-building payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which he is interested. Any application for payment may be rejected if it, or any other form or information required, is not submitted to the county office within the time fixed for this purpose. At least two weeks' notice to the public will be given in advance of the expiration of a time limit for filing prescribed forms.

(c) Excess cotton acreage. Any person who knowingly plants cotton on his farm in 1940 on acreage in excess of the cotton acreage allotment established for the farm for 1940 shall not be eligible for any payment under the provisions of the 1940 Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on acreage in excess of the cotton acreage allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

SECTION 7. PAYMENT RESTRICTED TO EFFECTUATION OF THE PURPOSES OF THE PROGRAM

All or any part of any payment which otherwise would be made to any person under the 1940 Range Program may be withheld: (a) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous range conservation programs; (b) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset in whole or in part the performance for which such payment is otherwise authorized; or (c) if for forest land or woodland owned or controlled by him, he has adopted any practice which is found contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that the stand of grass has been decreased or the forage, tree growth or watershed has been injured by over-grazing in 1940 on any ranch which he owns or operates.

SECTION 8. PAYMENTS COMPUTED AND MADE WITHOUT REGARD TO CLAIMS.

Any payment or share of payment will be computed and made without regard to questions of title under State law, without

deductions of claims for advances (except assignments approved on ACP-69) and without regard to any claim or lien against any crop in favor of the owner or any other creditor.

SECTION 9. INCREASE IN SMALL PAYMENTS.

The total payment computed for any person for any ranching unit will be increased as follows:

- (a) Any payment amounting to 71 cents or less will be increased to \$1.00;
- (b) Any payment amounting to more than 71 cents but less than \$1.00 will be increased by 40 percent;
- (c) Any payment amounting to \$1.00 or more will be increased in accordance with the following schedule:

Amount of Payment Computed	Increase in Payment	Amount of Payment Computed	Increase in Payment
\$1.00 to 1.99	\$0.40	\$32.00 to 32.99	\$10.40
2.00 to 2.99	0.80	33.00 to 33.99	10.60
3.00 to 3.99	1.20	34.00 to 34.99	10.80
4.00 to 4.99	1.60	35.00 to 35.99	11.00
5.00 to 5.99	2.00	36.00 to 36.99	11.20
6.00 to 6.99	2.40	37.00 to 37.99	11.40
7.00 to 7.99	2.80	38.00 to 38.99	11.60
8.00 to 8.99	3.20	39.00 to 39.99	11.80
9.00 to 9.99	3.60	40.00 to 40.99	12.00
10.00 to 10.99	4.00	41.00 to 41.99	12.10
11.00 to 11.99	4.40	42.00 to 42.99	12.20
12.00 to 12.99	4.80	43.00 to 43.99	12.30
13.00 to 13.99	5.20	44.00 to 44.99	12.40
14.00 to 14.99	5.60	45.00 to 45.99	12.50
15.00 to 15.99	6.00	46.00 to 46.99	12.60
16.00 to 16.99	6.40	47.00 to 47.99	12.70
17.00 to 17.99	6.80	48.00 to 48.99	12.80
18.00 to 18.99	7.20	49.00 to 49.99	12.90
19.00 to 19.99	7.60	50.00 to 50.99	13.00
20.00 to 20.99	8.00	51.00 to 51.99	13.10
21.00 to 21.99	8.20	52.00 to 52.99	13.20
22.00 to 22.99	8.40	53.00 to 53.99	13.30
23.00 to 23.99	8.60	54.00 to 54.99	13.40
24.00 to 24.99	8.80	55.00 to 55.99	13.50
25.00 to 25.99	9.00	56.00 to 56.99	13.60
26.00 to 26.99	9.20	57.00 to 57.99	13.70
27.00 to 27.99	9.40	58.00 to 58.99	13.80
28.00 to 28.99	9.60	59.00 to 59.99	13.90
29.00 to 29.99	9.80	60.00 to 185.99	14.00
30.00 to 30.99	10.00	186.00 to 199.99	1/
31.00 to 31.99	10.20	200.00 and over	2/

1/ Increase to 200.00

2/ No increase

SECTION 10. PAYMENTS LIMITED TO \$10,000.

The total of all payments under the 1940 Program to any individual, partnership, or estate upon farms and ranching units located within a single State will not exceed \$10,000. The total of all payments to any person other than an individual, partnership, or estate upon farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) will not exceed \$10,000. These limitations will be applied prior to the deduction for association expense in the county or counties for which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 Program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, or trust, which was designed to evade, or would have the effect of evading, the provisions of this section.

SECTION 11. DEDUCTION FOR ASSOCIATION EXPENSES.

There will be deducted pro rata from the payments for any ranching unit all or part of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

SECTION 12. ASSIGNMENTS

Any person who may be entitled to any payment in connection with the 1940 Program may assign the payment as security for cash loaned or advances made for the purpose of financing the making of a crop, including the carrying-out of range-building practices, in 1940. No assignment will be recognized unless the assignment is made in writing on ACP-69 in accordance with instructions in ACP-70, and unless it is entitled to priority.

SECTION 13. ESTABLISHMENT OF GRAZING CAPACITIES.

A grazing capacity will be established by the county committee for each ranching unit for which an application form NCR-453 for determination of grazing capacity is received on or before May 15, 1940. In determining grazing capacity, consideration will be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic changes; (c) distribution and type of watering facilities; (d) topography and cultural features; (e) extent of rodents and poisonous plants, and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county will not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

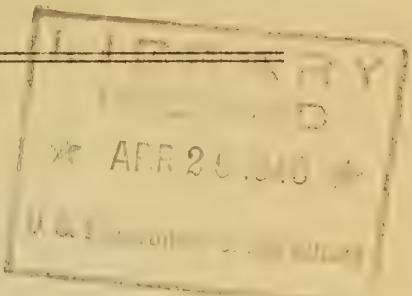
SECTION 14. APPEALS.

Any person may, within 15 days after notice thereof is forwarded to or available to him, request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters affecting any ranching unit in which he has an interest: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee will notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee will notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the North Central Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, having an interest in the operation of the ranching unit, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, having an interest in the operation of the ranching unit, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1940 Jones County, South Dakota  
Range Conservation Program Bulletin



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1940 JONES COUNTY, SOUTH DAKOTA,  
RANGE CONSERVATION PROGRAM BULLETIN

This bulletin sets forth provisions for continuing the special range conservation program administered in Jones County, South Dakota, in 1938 and 1939 as the first two of the three years during which the program was designed to operate. The 1938 Program prescribed "provisions for establishing an individual range-building goal to be attained as quickly as possible and at least by the end of three years, and yearly cumulative goals which should be attained by the end of each respective year and which accumulate to equal the three-year range-building goal. Subject to the provisions of this bulletin and within the yearly range-building allowance, payment will be made for the attainment of these separate yearly goals. Goals in all cases include the retention of 20 percent of the annual growth of palatable forage at the end of the grazing season, the showing of performance of a designated quantity of practices listed in this bulletin, and may include at the discretion of the committee the performance of additional nonlisted range-building practices considered essential to the conservation of the range land in the ranching unit. All payments are contingent upon the attaining of the yearly cumulative goal; there is no provision for partial performance. For those ranches for which the number of units of listed practices in the cumulative goal for the year in question is no larger than the number of units of such practices in the cumulative goal for the previous year, a payment of 75 percent of the annual range-building allowance will be made, provided the requirements of the goal for that year are met."

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of Section 7(a) of said Act in 1940, payments will be made for participation in the 1940 Jones County Range Conservation Program in accordance with the provisions hereof and such modifications thereof or other revisions as may hereafter be made.

The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and such payments may be increased or decreased by not more than 10 percent, depending upon the extent of participation in the 1940 Range Conservation Program.

The provisions of the 1940 Jones County, South Dakota, Range Conservation Program contained in this bulletin are not applicable (1) to counties other than Jones County, South Dakota, and (2) to public domain of the United States, and other lands in which the beneficial ownership is in the United States.

Section I. Range-Building Allowance. The range-building allowance shall be \$1.40 times the grazing capacity (expressed as animal units) of the range land in the ranching unit, provided, that this item shall not be calculated on more than one animal unit for each ten acres of range land in the ranching unit and provided further that the amount computed under this paragraph shall not be less than 10 cents times the number of such acres, or 640 acres, whichever is smaller.

Section II. Payment for Full Performance.

A. For those ranches for which the quantity of practices selected from subsection C, Section XIII, which are in the cumulative goal for the year in question is in excess of the quantity of practices selected from subsection C, Section XIII, which are in the cumulative goal for the previous year, payment will be made for attaining the goal for the year in question in an amount which shall be equal to the yearly range-building allowance.

B. For those ranches for which the quantity of practices selected from subsection C, Section XIII, which are in the cumulative goal for the year in question is not in excess of the quantity of practices selected from subsection C, Section XIII, which are in the cumulative goal for the previous year, payment will be made for attaining the goal for the year in question in an amount equal to 75 percent of the yearly range-building allowance.

Section III. Conditions of Payment.

A. No payment will be made with respect to any ranching unit for which the yearly range-building goal does not include the following practices and unless full performance is shown for those practices on that ranching unit.

1. Natural reseeding by limited grazing to assure that 20 percent of the palatable forage growth is retained at the end of the grazing season on all range land in that ranching unit, as indicated by comparision with adjacent nongrazed check-plot areas specified for the ranching unit, supplemented if specified in the range-building goal by deferred or rotational grazing provided if deferred or rotational grazing is specified for the ranching unit the conditions of grazing shall be as follows:

- (a) Upon ranching units on which cattle or horses are grazed, the area to be kept free of grazing shall be fenced and the fences maintained sufficiently to prevent the entry of livestock;
- (b) on ranching units used exclusively for grazing sheep, either the area to be kept free of grazing shall be fenced and the fence maintained sufficiently to prevent entry of livestock or the entry of livestock on the nongrazed area shall be prevented by herding;
- (c) such practices shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period from the start of the forage growth to seed maturity.

Provided further, if because of fire, insect or rodent damage, or other uncontrollable causes, the palatable forage growth in the check-plot areas is not representative of the palatable forage growth upon the range land in the ranching unit at large, no payment will be made with respect to that ranching unit unless it can be established by the operator that the number of animal units grazed upon the ranching unit during the grazing season did not exceed the number of animal units in the grazing capacity for that ranching unit.

B. No payment will be made with respect to any ranching unit unless the performance for those practices which are included as a part of the range-building goal and the respective yearly cumulative goals for that ranching unit, but not listed in subsection C, Section XIII, is shown in the year specified and in a manner satisfactory to the State and county committee.

C. Practices listed in subsection C, Section XIII, which are a part of the range-building goal and which are carried out with labor or materials furnished by any State or Federal agency shall not be eligible in the year of performance for meeting the range-building goal if the portion of the labor or materials furnished by any State or Federal agency represents one-half or more of the total cost of carrying out such practices. If the portion of the labor or materials, used in carrying out such practices furnished by any State or Federal agency represents less than one-half of the total cost of carrying out such practices, one-half of the amount of such practices shall be eligible in the year of performance for use in attaining the range-building goal for the ranching unit. Labor, seed, and materials furnished to a State, political subdivision of a State, or any agency thereof by an agency of the same State shall not be deemed to have been furnished by "any State - - - - agency" within the meaning of this paragraph.

D. No payment will be made with respect to any ranching unit in excess of the range-building allowance for such ranching unit. No range-building practice shall be eligible for use in attaining the range-building goal unless carried out according to specifications recommended by the State committee and approved by the Director of the North Central Division. All such practices must be in a proper state of maintenance at the time of checking performance.

E. Payments made for attaining the range-building goal for a ranching unit shall not be subject to the deduction provisions of Section 1 of the Agricultural Conservation Program bulletin, ACP-1940.

F. Payments for carrying out range-building practices are conditioned upon the adoption or maintenance of conservative range management practices designated to secure or maintain a good stand of grass or other palatable forage plants and in bringing about such use of the forage resources of the ranch as will most effectively carry out the purposes of the Soil Conservation and Domestic Allotment Act. Payments under the 1940 Jones County, South Dakota, Range Conservation Program will be made only with respect to those ranching units on which the county committee certifies that such range management practices have been followed.

Section IV. Changes in Leasing Arrangements and other Devices. No payment will be made to any person who has for 1940 made any change from the 1939 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1939 leasing arrangements of such range land were in effect for 1940. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1940 Jones County, South Dakota, Range Conservation Program has made any change from the 1939 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1940 Jones County, South Dakota, Range Conservation Program.

Section V. Eligibility for Payment.

A. Persons eligible to file application. Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building pay-

ment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment, the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

B. Time and manner of filing application and information required. Payment will be made only upon applications submitted through the county office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the North Central Division. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

C. Excess cotton acreage. Any person who knowingly plants cotton on his farm in 1940 on acreage in excess of the cotton acreage allotment established for the farm in 1940 shall not be eligible for any payment under the provisions of the 1940 Jones County, South Dakota, Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on acreage in excess of the cotton acreage allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

Section VI. Payment Restricted to Effectuation of the Purposes of the Program. All or any part of any payments which otherwise would be made to any person under the 1940 Jones County South Dakota, Range Conservation Program may be withheld (1) if he has adopted any practice or been a party to the establishment of any goals which the Secretary determines tend to defeat any of the purposes of this program; (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the Director of the North Central Division finds is contrary to sound conservation practice.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth, or watershed has been injured by overgrazing in 1940.

Section VII. Payments Computed and Made Without Regard to Claims. Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in Section XI), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

Section VIII. Increase in Small Payments. The total payment computed for any person for any year with respect to any ranching unit shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to 1.99	\$0.40	\$32.00 to 32.99	\$10.40
2.00 to 2.99	0.80	33.00 to 33.99	10.60
3.00 to 3.99	1.20	34.00 to 34.99	10.80
4.00 to 4.99	1.60	35.00 to 35.99	11.00
5.00 to 5.99	2.00	36.00 to 36.99	11.20
6.00 to 6.99	2.40	37.00 to 37.99	11.40
7.00 to 7.99	2.80	38.00 to 38.99	11.60
8.00 to 8.99	3.20	39.00 to 39.99	11.80
9.00 to 9.99	3.60	40.00 to 40.99	12.00
10.00 to 10.99	4.00	41.00 to 41.99	12.10
11.00 to 11.99	4.40	42.00 to 42.99	12.20
12.00 to 12.99	4.80	43.00 to 43.99	12.30
13.00 to 13.99	5.20	44.00 to 44.99	12.40
14.00 to 14.99	5.60	45.00 to 45.99	12.50
15.00 to 15.99	6.00	46.00 to 46.99	12.60
16.00 to 16.99	6.40	47.00 to 47.99	12.70
17.00 to 17.99	6.80	48.00 to 48.99	12.80
18.00 to 18.99	7.20	49.00 to 49.99	12.90
19.00 to 19.99	7.60	50.00 to 50.99	13.00
20.00 to 20.99	8.00	51.00 to 51.99	13.10
21.00 to 21.99	8.20	52.00 to 52.99	13.20

Continued.

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$22.00 to 22.99	\$8.40	\$53.00 to 53.99	\$13.30
23.00 to 23.99	8.60	54.00 to 54.99	13.40
24.00 to 24.99	8.80	55.00 to 55.99	13.50
25.00 to 25.99	9.00	56.00 to 56.99	13.60
26.00 to 26.99	9.20	57.00 to 57.99	13.70
27.00 to 27.99	9.40	58.00 to 58.99	13.80
28.00 to 28.99	9.60	59.00 to 59.99	13.90
29.00 to 29.99	9.80	60.00 to 185.99	14.00
30.00 to 30.99	10.00	186.00 to 199.99	Increase to 200.00
31.00 to 31.99	10.20	200.00 and over	No increase

Section IX. Payments Limited to \$10,000. The total of all payments made in connection with programs for 1940 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms and ranching units located within a single State, Territory, or possession, shall not exceed the sum of \$10,000 prior to deduction for association expenses in the counties with respect to which the particular payment is made. The total of all payments made in connection with programs for 1940 under Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000 prior to deduction for association expenses in the counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 Agricultural Conservation Program, including the Range Conservation Program, may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

Section X. Deductions for Association Expenses. There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

Section XI. Assignments. Any person who may be entitled to any payment in connection with the 1940 Jones County, South Dakota, Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing

the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with the instructions (ACP-70) issued by the Agricultural Adjustment Administration and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

Nothing contained in this Section XI shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled nor (as provided in the statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.

Section XII. Establishment of Grazing Capacities. There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the Director of the North Central Division as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

Section XIII. Establishment of Range-Building Goals.

A. Range-Building Goal. There shall be established for each ranching unit a range-building goal which will be that range-building goal established for the ranching unit under the provisions of the 1938 Jones County, South Dakota, Range Conservation Program, except in the event of a change in identity of the ranching unit or a change in conditions affecting the range conservation needs of that ranching unit, after the establishment of the range-building goal in which case a new range-building goal shall be established for the ranching unit. This range-building goal shall consist of that list of practices, requirements, and methods of range management most suited to the promotion of an economic and conservation use of the range, and the assurance that the range will not be stocked in excess of the sustainable grazing capacity of the range land in the ranching unit. This goal shall be one which is attainable at least by the end of 1940, but shall not be one which is attainable, within the limits of the range-building allowance, prior to 1940 unless it can be shown that the performance of additional range-building practices or of additional units of the same range-building practice

will contribute nothing further to the effectuation of the purposes of this program. This goal shall include only those practices the performance of which is to occur during the period November 1, 1937, to October 31, 1940.

B. Yearly Cumulative Goal. Within the range-building goal, and subject to approval by the State committee, yearly cumulative goals shall be established for each ranching unit which shall be used as a basis for determining performance in each respective year. For each ranching unit the yearly cumulative goals shall be those goals established for the ranching unit under the provisions of the 1938 Jones County, South Dakota, Range Conservation Program, except in the event of a change in identity of the ranching unit or a change in conditions affecting the range conservation needs of that ranching unit, after the establishment of these cumulative goals, in which case new yearly cumulative goals shall be established for the ranching unit. These yearly cumulative goals shall accumulate in the least number of years possible to the range-building goal for the ranching unit. The yearly cumulative goals shall be such as to require performance in keeping with the size of the range-building allowance. The county committee shall not establish for any ranching unit a yearly cumulative goal consisting of practices selected from subsection C, Section XIII, in excess of the quantity of practices selected therefrom in the yearly cumulative goal for the preceding year, unless the performance required to attain such goal is reasonably commensurate with the additional payment which will be made for that performance. The yearly cumulative goal for any year shall be deemed to have been accomplished, if at the time of checking performance for that year the practices outlined in the goal are found to have been carried out and maintained on the ranching unit in accordance with the specifications set forth for such practices. For this purpose it is to be assumed that performance of the practice "natural reseeding by limited grazing" and its attendant requirements as indicated in Section III, A, 1, is worth 40 percent of the yearly range-building allowance. In establishing the yearly cumulative range-building goal the practices listed in subsection C below, with the assigned rates shall be used as a guide. No ratios shall apply to other requirements or practices but shall be considered necessary contributions of the ranch operator upon which all payments are contingent.

C. Range-Building Practices.

1. Reseeding of Range Land:

a. Reseeding depleted range land with good seed of adapted varieties of range grasses, legumes, or forage shrubs.	\$0.20 per pound specified but not in excess of \$2.00 per acre.
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2. Erosion and Runoff Control:

b. (1) Contour listing, furrowing or subsoiling:

For listing, furrowing, or subsoiling range land on the contour. \$0.50 per acre.

c. Spreader dams and terraces:

For constructing spreader dams and spreader terraces alone or in combination with each other for the diversion of surface water to prevent soil washing of range land,

(1) Spreader dams. \$0.15 per cubic yard of material.

(2) Spreader terraces. \$0.40 per 100 linear feet.

3. Development of Stock Water on Range Land.

d. Excavations, dams, or fills:

For constructing dams, fills or excavations for the purpose of supplying water for range livestock. This practice shall not be eligible for use in attaining the range-building goal unless performed according to specifications outlined by the State Committee and approved by the Director of the North Central Division.

\$0.15 per cubic yard of fill or excavation.

e. Wells:

(1) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock. This practice shall not be eligible for use in attaining the range-building goal unless a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir, or if the well is developed at ranching

\$2.00 per linear foot.

unit headquarters. The development of an artesian well which provides adequate stock water during the grazing season and from which the water is conveyed to a tank or trough will be considered equivalent to a well for which a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir.

(2) For drilling or digging wells with casing less than 4 inches but not less than 2 inches in diameter, for the purpose of providing water for range livestock. This practice shall not be eligible for use in attaining the range-building goal unless a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir, or if the well is developed at ranching unit headquarters. The development of an artesian well which provides adequate stock water during the grazing season and from which the water is conveyed to a tank or trough will be considered equivalent to a well for which a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. \$1.00 per linear foot.

Section XIV. Appeals. Any person may within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters affecting any ranching unit in which he has an interest: - (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the North Central Division to review the decision of the State committee.

Section XV. State and Regional Bulletins, Instructions, and Forms. The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such

bulletins, instructions, and forms as may be required pursuant to the provisions hereof in administering the 1940 Jones County, South Dakota, Range Conservation Program.

Section XVI. Definitions. For the purpose of the 1940 Jones County, South Dakota, Range Conservation Program unless the context otherwise requires:

SECRETARY means the Secretary of Agriculture of the United States.

NORTH CENTRAL REGION means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

NORTH CENTRAL DIVISION means the Division of the Agricultural Adjustment Administration in charge of the 1940 Agricultural and Range Conservation Programs in the North Central Region.

DIRECTOR OF THE NORTH CENTRAL DIVISION means the director of the division of the Agricultural Adjustment Administration in charge of the 1940 Agricultural and Range Conservation Programs in the North Central Region.

STATE COMMITTEE means the group of persons designated for any State to assist in the administration of the 1940 Agricultural Conservation and the 1940 Range Conservation Programs in such State.

COUNTY COMMITTEE means the group of persons elected for any county to assist in the administration of the 1940 Agricultural Conservation Program and the 1940 Range Conservation Program in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

RANGE-BUILDING GOAL means that goal established for the ranching unit under the provisions of subsection A, Section XIII.

CUMULATIVE GOAL or YEARLY CUMULATIVE GOAL is that goal established for the ranching unit for 1940, under the provisions of subsection B, Section XIII.

RANGE-BUILDING PAYMENT means a payment for the attainment of the yearly cumulative goal approved for the ranching unit.

RANGE-BUILDING ALLOWANCE means the largest amount for any ranching unit which may be earned in any one year as a range-building payment on such ranching unit.

RANCH OPERATOR means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of, a ranching unit in 1940.

RANGE LAND means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States, and other lands in which the beneficial ownership is in the United States.

RANCHING UNIT means all range land which is used in 1940 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that of any other range land. The ranching unit shall consist of not less than 640 acres of range land. A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the ranching unit is located.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

GRAZING CAPACITY OF RANGE LAND means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

(SEAL)

DONE at Washington, D. C., this

27th day of January, 1940.

Witness my hand and seal of the

Department of Agriculture.

/s/ H. A. Wallace

Secretary of Agriculture.

